

DOCKET # 70

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

DUJON LNU, aka DAMIEN REID,

Crim. No. S5 07-CR-971 (RPP)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Memorandum of Law annexed hereto, the points and authorities contained herein, the affidavit of the defendant, and the proceedings had heretofore, the defendant DAMIEN REID, by his attorney, Anthony J. Martone, will move this court at a date and time convenient to the court, at the United States District Courthouse, 500 Pearl Street, New York, New York, for the following relief:

1. An Order, suppressing all physical evidence seized from Mr. Reid upon his arrest, or in the alternative directing that a pre-trial evidentiary hearing be conducted to determine the admissibility of said property.
2. An Order compelling the government to reveal any evidence it intends to introduce at trial, pursuant to Rule 404(b) of the Federal Rules of Evidence;
3. An Order directing the pre-trial disclosure of all exculpatory and impeachment material, including but not limited to the following:
 - a. Any and all information and/or material which tends to exonerate the accused, DAMIEN REID, or which tends to show that he did not knowingly commit any offenses alleged in the indictment.
 - b. Any and all evidence which tends to impeach the credibility of any prospective Government witness, including but not limited to:

This motion was withdrawn as moot in view of defendant's guilty plea. Accordingly, the motion is dismissed as moot.
So ordered.
7/23/08 [Signature] 2 6:10 PM

MEMO ENDORSED
SEE TYPEWRITTEN MEMO
ENDORSEMENT ATTACHED

pursuant to law, and whether relative to Damien Reid's conversations or communications or relative to conversations or other in the investigation or prosecution of this case.

- z. An accurate certification of any and all promises made to any non-employee witness the Government intends to call at trial;

5. The Government should be directed to provide notice of any expert testimony that it may seek to elicit at trial;

6. Pursuant to the Due Process Clause of the Fifth Amendment directing the government to provide a witness list;

7. Permitting the defendant to join in the motions of his co-defendants where applicable and to file additional motions which may arise from the requests made herein;

8. For an order severing the trial of this defendant from that of the other defendants, or in the alternative reserving decision on this motion until the trial posture of the remaining defendants and the evidence to be admitted against the remaining co-defendants is decided;

9. Preserving defendant's rights to file motions *in limine* prior to trial concerning the admissibility of evidence and testimony proffered by the government based upon the resolution of the instant motions as well as concerning other independent issues of admissibility; and

10. Any such further relief as to the court may seem proper in the premises.

Respectfully submitted,

/s/
ANTHONY J. MARTONE
Attorney for DAMIEN REID
80-02 Kew Gardens Road
Suite 1030
Kew Gardens, NY 11415
(718) 520-7956

cc: Joselyn Strauber
Assistant United States Attorney

Damien Reid

Case: United States v. Dujon Lnu, a/k/a Damien Reid
Index No. 07 Cr. 971 (RPP)

MEMO ENDORSEMENT READS:

*This motion was withdrawn as moot in view of defendant's
guilty plea. Accordingly, the motion is dismissed as moot.*

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 7/23/08